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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,893	08/31/2001	Juergen Reinold	IA00008	4079
22863	7590	12/19/2005	EXAMINER	
MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD 1L01/3RD SCHAUMBURG, IL 60196			STULBERGER, CAS P	
			ART UNIT	PAPER NUMBER
			2132	

DATE MAILED: 12/19/2005

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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Commissioner for Patents

The attached Examiner's Answer reflects changes to format incorporating rule changes effective 8/31/2005.


Gilberto Barron Jr.
SPE
Art Unit: 2132



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

MAILED

DEC 19 2005

Technology Center 2100

Application Number: 09/944,893
Filing Date: August 31, 2001
Appellant(s): REINOLD ET AL.

Thomas V. Miller
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed April 27, 2005 appealing from the Office action mailed December 18, 2003.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

None are currently known.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,995,512	Pogue, Jr.	11-1999
5,991,401	Daniels et al.	11-1999

6,101,599

Wright et al.

8-2000

Tennenhouse, D.L. , "Towards an Active Network Architecture", 1996 ACM website
{Applicant submitted IDS 12/18/2003}

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-4, 6, and 8-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,995,512 to Pogue Jr. in view of U.S. Patent No. 5,991,401 to Daniels et al.

In regards to claims 1-4, 9-12, and 15, Pogue Jr. discloses data network capable of transmitting audio, video, data, low-bandwidth control data, and other similar signals (Pogue: column 1, lines 6-9). Pogue gives an example of connecting a remote CD player (first device) and an audio processor/amplifier (second device) with the existing network. Both the CD player and the audio processor/amplifier can be configured to interface with the network data bus at the network data rate while at the same time interfacing with the CD player and audio processor (Pogue: column 3, lines 39-55). This meets the limitation of a first device and second device and an active network communicatively coupling the first device and the second device for the communication of data between the first device and the second device." Pogue also discloses that preferred operating environment is a transportation vehicle such as a car, van, truck, bus, train, or airplane (Pogue: column 7, lines 1-3).

Pogue however does not disclose encrypting the data. Daniels et al discloses a network in which a packet is encrypted with an encryption key before it is sent out

(Daniels: column 3, lines 45-51). This meets the limitation of "wherein the data packets are individually encrypted." The receiving computer decrypts the incoming packet that is encrypted (Daniels: column 3, lines 56-63). This meets the limitation of (the active network being operable to encrypt the data."

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the vehicle network as disclosed by Pogue with the method of encrypting packets being sent in a network with the method as disclosed by Daniels in order to provide an improved method and system for providing data security in a computer system (Daniels: column 1, lines 65-67).

In regards to claims 8, 13, and 14, Pogue however does not disclose error detection based on encryption. Daniels discloses that an incoming packet is decrypted and then encrypted utilizing an encryption key identical to an encryption key employed by the client. The encrypted packet is determined as to whether it is identical to the incoming packet. Any such packet that does not meet this criterion is rejected (Daniels: column 2, lines 5-10)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the vehicle network as disclosed by Pogue with the method of error detection as disclosed by Daniels in order to reject potentially harmful packets (Daniels: column 4, lines 48-53).

In regards to claim 6, Pogue does not disclose a bridge. Daniels however discloses the CPU, ROM, and DRAM are also coupled to a PCI local bus of the computer of system through a PCI host bridge (Daniels: column 2, lines 58-60).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the vehicle network as disclosed by Pogue with the bridge of Daniels in order to provide a high bandwidth path allowing PCI devices to directly access DRAM (Daniels: column 2, lines 64-65).

Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,995,512 to Pogue Jr. in view of U.S. Patent No. 5,991,401 to Daniels et al. In regards to claims 5 and 7, Pogue however does not disclose a switch or a router.

Wright discloses a network with a switch and a router (Wright: Figure I). It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the vehicle network as disclosed by Pogue with the switch and router of Wright in order to accomplish path switching and forwarding decision capabilities of packets in a network (Wright: column 2, lines 45-61) and further in view of U.S. Patent No. 6, 101,599 to Wright et al.

New Grounds of Rejection

New grounds of rejection are necessitated by newly disclosed references submitted Applicant in the Appeal Brief filed 8/10/2005 as Appendices to Appeal Brief.

Claims 1-7, 9-12, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,995,512 to Pogue Jr. in view of "Towards an active Network Architecture" by David L. Tennenhouse.

In regards to claims 1-7, 9-12, and 15, Pogue Jr. discloses data network capable of transmitting audio, video, data, low-bandwidth control data, and other similar signals

(Pogue: column 1, lines 6-9). Pogue gives an example of connecting a remote CD player (first device) and an audio processor/amplifier (second device) with the existing network. Both the CD player and the audio processor/amplifier can be configured to interface with the network data bus at the network data rate while at the same time interfacing with the CD player and audio processor (Pogue: column 3, lines 39-55). This meets the limitation of a first device and second device communicatively coupling the first device and the second device for the communication of data between the first device and the second device." Pogue also discloses that preferred operating environment is a transportation vehicle such as a car, van, truck bus, train, or airplane (Pogue: column 7, lines 1-3).

Pogue however does not disclose encrypting the data or an active network. Tennenhouse discloses an active network (Tennenhouse: page 1, left column, Introduction, second paragraph). Tennenhouse also discloses additional security such as encryption (Tennenhouse: page 3, left column, first line).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the vehicle network as disclosed by Pogue with the method of encrypting packets being sent in a active network as disclosed by Tennenhouse in order to allow the network to perform customized computation on the user data (Tennenhouse: page 1, left column, Introduction, second paragraph).

Claims 8, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,995,512 to Pogue Jr. in view of Towards an Active Network

Architecture" by David L. Tennenhouse as applied to claims 1-7, 9-12, and 15 above, and in further view of U.S. Patent No. 5,991,401 to Daniels et al.

In regards to claims 8, 13, and 14, Pogue however does not disclose error detection based on encryption. Daniels discloses that an incoming packet is decrypted and then encrypted utilizing an encryption key identical to an encryption key employed by the client. The encrypted packet is determined as to whether it is identical to the incoming packet. Any such packet that does not meet this criterion is rejected (Daniels: column 2, lines 5-10).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the vehicle network as disclosed by Pogue with the method of error detection as disclosed by Daniels in order to reject potentially harmful packets (Daniels: column 4, lines 48-53).

(10) Response to Argument

Applicant argues that Pogue Jr. does not disclose an active network and neither Daniels nor Wright cure this deficiency. In reply, the specific physical structure for the active network is not claimed, and the specification does not set out any special definition with reasonable clarity, deliberateness, and precision. According to page 8 of the specification, an active network may include a plurality of active elements enabling communication paths. The active network may be based on packet data principles, and the active network may incorporate a fabric of active network elements. It is clear that the terms "active network" are not defined in the specification with reasonable clarity,

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deliberateness, and precision. See *Telejlex Inc. v. Ficos North, America Corp.*, 229 F.3d 1313, 13256, 63 USPQZd 1374, 138 1 (Fed. Cir. 2002.).

Rexnord Corp.v. L aitram Cory, 274 F3d 1336, 1342, 60 USPQZd 1851, 1854 (Fed. Cir. 2001). As best determined by the specification, active network is determined to mean that active network element is used broadly in connection with the definition of the fabric to include any number of intelligent structures for communicating data packets. .

.without an arbiter or other network controller. . ." (Specification, page 9, lines 16-1%.

This is an alternate embodiment as disclose by the applicant in the Specification and is the best possible indication of a definition of an active network. Pogue Jr. discloses a fiber optic data bus arranged in a star topology configuration, which comprises a plurality of devices or nodes and placed in communication hub with the bus. Intelligent devices may be among those types of devices placed in communication with the bus. For those devices, the interface may allow some of the network-related function to be performed by the device itself (Pogue: Abstract). This meets the definition of an active network as defined in the specification.

For the above reasons, it is believed that the rejections should be sustained.

This examiner's answer contains a new ground of rejection set forth in section (9) above. Accordingly, appellant must within **TWO MONTHS** from the date of this answer exercise one of the following two options to avoid *sua sponte dismissal of the appeal* as to the claims subject to the new ground of rejection:

(1) **Reopen prosecution.** Request that prosecution be reopened before the primary examiner by filing a reply under 37 CFR 1.111 with or without amendment, affidavit or other evidence. Any amendment, affidavit or other evidence must be relevant to the new grounds of rejection. A request that complies with 37 CFR 41.39(b)(1) will be entered and considered. Any request that prosecution be reopened will be treated as a request to withdraw the appeal.

(2) **Maintain appeal.** Request that the appeal be maintained by filing a reply brief as set forth in 37 CFR 41.41. Such a reply brief must address each new ground of rejection as set forth in 37 CFR 41.37(c)(1)(vii) and should be in compliance with the other requirements of 37 CFR 41.37(c). If a reply brief filed pursuant to 37 CFR 41.39(b)(2) is accompanied by any amendment, affidavit or other evidence, it shall be treated as a request that prosecution be reopened before the primary examiner under 37 CFR 41.39(b)(1).

Extensions of time under 37 CFR 1.136(a) are not applicable to the TWO MONTH time period set forth above. See 37 CFR 1.136(b) for extensions of time to reply for patent applications and 37 CFR 1.550(c) for extensions of time to reply for ex parte reexamination proceedings.

Respectfully submitted,

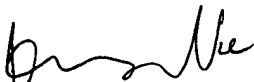
Cas Stulberger


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A Technology Center Director or designee must personally approve the new ground(s) of rejection set forth in section (9) above by signing below:


Jack Harvey

Conferees:


Kim Vu


Jack B. Harvey, Director
Technology Center 2100

Gilberto Barron Jr.


GILBERTO BARRÓN JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100